

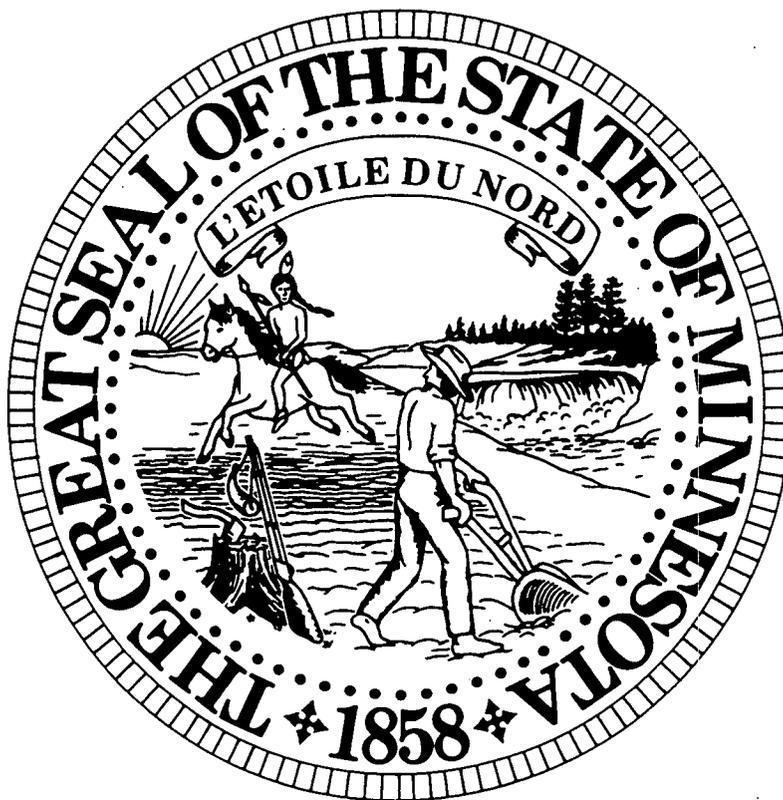
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**State
Register**

Department of Administration—Print Communications Division

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The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

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18	Monday 31 October	Monday 17 October	Monday 24 October
19	Monday 7 November	Monday 24 October	Monday 31 October
20	Monday 14 November	Monday 31 October	Monday 7 November
21	Monday 21 November	Monday 7 November	Monday 14 November

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- "*Commodity Contract Awards Reports*," – lists awards of contracts and bids published in the Tuesday-Wednesday-Friday "*Contracts Supplement*" – published every two weeks, \$5.00 per individual report, plus \$3.00 shipping if applicable. Order stock # 99-42. Six-month subscriptions cost \$75.00 – a savings of about \$38.00 over the cost of purchasing them individually. Appears every two weeks. Order stock # 90-14. Available in hard copy format only.
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HOUSE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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For subscription information call 612/296-0931.

"Commodity Contract Awards Reports" are published
every two weeks, and "Professional-Technical-
Consulting Contract Awards Reports" are published
monthly. Both are available through Minnesota's
Bookstore, (612) 297-3000 or 1-800-657-3757.

Individual awards can be obtained from the
Materials Management Helpline 612/296-2600.

Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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Proposed Rules

Pursuant to Minn. Stat. §14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Accountancy

Proposed Permanent Rules Relating to Licensing and Reorganization of Rules

Notice of Intent to Adopt a Rule without a Public Hearing unless 25 or More Persons Request a Hearing

Introduction. The Minnesota Board of Accountancy ("board") intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more people request a hearing before the end of the thirty day comment period, a public hearing will be held. To find out whether the rule will be adopted without a hearing or if a hearing will be held, you should contact the agency contact person after November 30, 1994.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

David J. O'Connell
Executive Secretary
Minnesota Board of Accountancy
85 East Seventh Place,
St. Paul, Minnesota 55101
Telephone: (612) 296-7937

Subject of Rule and Statutory Authority. The proposed rule is about administration and licensing. The statutory authority to adopt the rule is *Minnesota Statutes*, section 326.18. A copy of the proposed rule is published in the "State Register" and is attached to this notice as mailed.

Comments. You have until 4:30 p.m. on November 30, 1994, to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by David J. O'Connell by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by David J. O'Connell by 4:30 p.m. on November 30, 1994. Your written request for public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the "State Register" and must be supported by data and views submitted to the board or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Notice of Hearing. If you request a public hearing, the board will notify you whether a hearing will be held. You may also call David J. O'Connell at (612) 296-7937 after November 30, 1994, to find out whether a hearing will be held. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five day comment period may be extended for a longer period not to exceed twenty calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the board may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules* parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available at the cost of reproduction at the address above from David J. O'Connell. This statement describes the need for and the reasonableness of each provision of the proposed rule. The statement may also be reviewed at the board office.

Small Business Considerations. It is the position of the board that *Minnesota Statutes* §14.115 (1992) relating to small business considerations in rulemaking does not apply to the rules it promulgates. *Minnesota Statutes* §14.115, subd. 7(2) (1992) states that section 14.115 does not apply to "agency rules that do not affect small businesses directly." The board's authority relates only to certified public accountants and licensed public accountants ("licensees"), holders of certified public accountant certificates ("certificate holders"), and applicants for examination and licensure ("applicants") and not to the businesses they operate.

The board is also exempt from the provisions of *Minnesota Statutes*, section 14.115, pursuant to its subdivision 7(3) which states that section 14.115 does not apply to "service businesses regulated by government bodies, for standards and costs, such as ... providers of medical care." Licensees provide public accounting services and are regulated by the board for standards.

However, should these proposed rules in some way be construed as being subject to *Minnesota Statutes* §14.115, the board notes below how the five suggested methods listed in section 14.115, subdivision 2, for reducing the impact of the rules on small businesses should be applied to the proposed rules. The five suggested methods enumerated in subdivision 2 are as follows:

- (a) The establishment of less stringent compliance or reporting requirements for small businesses;
- (b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- (c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- (d) The establishment of performance standards for small businesses to replace design or operational standards required in the rule; and
- (e) The exemption of small businesses from any or all requirements of the rule.

The feasibility of implementing each of the five suggested methods and whether implementing any of the five methods would be consistent with the statutory objectives that are the basis for this rulemaking are considered below.

1. It would not be feasible to incorporate any of the five suggested methods into these proposed rules.

Methods (a) to (c) relate to lessening compliance or reporting requirements for small businesses either by establishing less stringent requirements, establishing less stringent schedules or deadlines for compliance with the requirements, or consolidating or simplifying the requirements. Board finds it would be unworkable to lessen the requirements for those applicants, certificate holders, and licensees who practice in a practice setting of fewer than fifty employees, since that would include, at a minimum, the vast majority of applicants, certificate holders, and licensees. Method (d) suggests replacing design or operational standards with performance standards for small businesses. The board's rules do not propose design or operational standards for businesses and therefore there is no reason to implement performance standards for small businesses as a replacement for design or operational standards that do not exist. Finally, method (e) suggests exempting small businesses for any or all requirements of the rules. The application of this provision would exempt a vast majority of applicants, certificate holders, and licensees from the purview of the rules, a result which would be absurd.

2. Reducing the impact of the proposed amendments on small businesses would undermine the objectives of the Minnesota licensing law.

Pursuant to *Minnesota Statutes* § 326.165 *et seq.*, the board was created for the purpose of establishing requirements for application, examination, and licensure and adopting standards for disciplinary action to govern the practices or behavior of all applicants, certificate holders, and licensees. Pursuant to *Minnesota Statutes* § 326.18, the board is specifically mandated to promulgate rules as may be necessary to carry out the board's purposes. Given these statutory mandates, it is the board's duty to establish licensure qualifications and disciplinary standards which apply to and govern all applicants, certificate holders, and licensees regardless of the nature of their practice. As stated above, it is the board's position the proposed rules will not affect small businesses and certainly do not have the potential for imposing a greater impact on applicants, certificate holders, and licensees in a small practice setting than on those practice settings large enough to remove them from the definition of small business. It has also been explained above the board considers it unfeasible to implement any of the five suggested methods enumerated in subdivision 2 of the small business statute. Nonetheless, to the extent the proposed rules may affect the business operation of an applicant, certificate holder, or licensee or group of applicants, certificate holders, or licensees, and to the extent it may be feasible to implement any of the suggested methods for lessening the impact on small businesses, the board believes it would be unwise and contrary to the purposes to be served by these rules for the board to exempt one group of applicants, certificate holders, and licensees - indeed, the vast majority - from the requirements of these rules. Similarly, the board believes it would be unwise and contrary to its statutory mandate for it to adopt one set of standards for those who work in a large practice setting and adopt another, less stringent, set of standards to be applied to those who practice in a small practice setting. It is the board's view these rules must apply equally to all if the public whom they serve is to be adequately protected.

Applicants, certificate holders, and licensees, regardless of whether they are considered as individuals or small businesses, have had and will continue to have an opportunity to participate in the rulemaking process for these proposed rules. The board has used a very open process to draft these rules and has kept the various associations well informed of the proposed rules as they were developed. The associations have in turn informed their constituents.

Expenditure of Public Money by Local Public Bodies. Promulgation of the proposed rules will not result in the expenditure of monies by local bodies. Therefore, no further information need be provided under *Minnesota Statutes*, section 14.11, subd. 1.

Impact on Agriculture Lands. Promulgation of the proposed rules will not have an impact on agricultural land. Therefore, no further information need be provided under *Minnesota Statutes*, section 14.11, subd. 2.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at 658 Cedar Street, 1st Floor South, Centennial Office Building, St. Paul, Minnesota 55155 telephone (612) 296-5148.

Adoption Procedure If No Hearing. If no hearing is required, after the end of the comment period, the agency may adopt the rule. The rule and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you want to be so notified or wish to receive a copy of the adopted rule, submit your request in writing to David J. O'Connell at the address indicated above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The board's notice of adoption must be mailed on the same day that the rule is filed. If you want to be notified of the adoption, you may so indicate at the hearing or send a request in writing to David J. O'Connell at the address indicated above at any time prior to the filing of the rule with the Secretary of State.

Dated: 17 October 1994

David J. O'Connell
Executive Secretary

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Rules as Proposed

1100.0100 DEFINITIONS.

[For text of subs 1 to 1c, see M.R.]

Subp. 2. CPA. "CPA" means a person licensed as a certified public accountant.

Subp. 2a. CPA partnership. "CPA partnership" means a partnership where all the partners are CPAs.

Subp. 2b. CPA professional corporation. "CPA professional corporation" means a professional corporation where all the shareholders are CPAs.

Subp. 2c. CPA PLC. "CPA PLC" means a professional limited liability company where all the members are CPAs.

Subp. 2d. CPA PLLP. "CPA PLLP" means a professional limited liability partnership where all the members are CPAs.

Subp. 3. Certificate. "Certificate" means a CPA or LPA certificate for a CPA or LPA issued by the board.

[For text of subp 3a, see M.R.]

Subp. 3b. Client. "Client" means the person or entity ~~which retains~~ retaining a certified public accountant, a licensed public accountant, or the accountant's firm, engaged in the practice of public accounting, for the performance of professional accounting services.

[For text of subs 4 and 4a, see M.R.]

Subp. 4b. Firm Entity. "Firm" means a partnership, professional corporation, limited liability company, limited liability partnership, or association engaged in the practice of public accounting, including individual partners or shareholders. "Entity" means a partnership, corporation, limited liability company, limited liability partnership, joint stock company, unincorporated association or society, municipal corporation, or any government or governmental subdivision, unit, or agency, other than a court of law.

Subp. 4c. Financial statements. "Financial statements" means statements and related footnotes ~~related to the statements~~ that purport to show financial position or ~~results of operation which are related~~ relates to a point in time or periods of time, or statements of cash flow, ~~which relate to periods~~ results of operations or cash flows which relate to a period of time, and statements which use a cash or other incomplete basis of accounting. Balance sheets, statements of income, statements of retained earnings, statements of cash flow, and statements of changes in owners' equity are financial statements.

Incidental financial data included in management advisory services reports to support recommendations to a client, and tax returns and supporting schedules do not, for this purpose, constitute financial statements, and the statement, affidavit, or signature of preparers required on tax returns neither constitutes an opinion on financial statements nor requires a disclaimer of such opinion.

Subp. 4d. Firm. "Firm" means a CPA or LPA partnership, CPA or LPA professional corporation, CPA or LPA professional limited liability company, CPA or LPA professional limited liability partnership, or cooperative auditing organization as specified in Minnesota Statutes, section 326.20, subdivision 2, engaged in the practice of public accounting, including individual partners, shareholders, or members.

Subp. 5. [See repealer.]

Subp. 6. LPA. "LPA" means a person licensed as a licensed public accountant.

Subp. 6a. LPA partnership. "LPA partnership" means a partnership where at least one partner is an LPA and the rest are either LPAs or CPAs.

Subp. 6b. LPA corporation. "LPA corporation" means a professional corporation where at least one shareholder is an LPA and the rest are either LPAs or CPAs.

Subp. 6c. LPA PLC. "LPA PLC" means a professional limited liability corporation where at least one member is an LPA and the rest are either LPAs or CPAs.

Subp. 6d. LPA PLLP. "LPA PLLP" means a professional limited liability partnership where at least one partner is an LPA and the rest are either LPAs or CPAs.

Subp. 7. License. "License" means a ~~license for a certified public accountant~~ CPA or ~~licensed public accountant~~ LPA license issued by the board.

Subp. 7a. Licensee. "Licensee" means a ~~person~~ CPA or LPA holding an active or, inactive, or government license issued under *Minnesota Statutes*, section 326.20, subdivision 1.

Subp. 8. Party. "Party" means any person or entity whose legal rights, duties, or privileges may be determined in a contested case. The term "party" shall include the board except when the board participates in the contested case in a ~~neutral~~ or quasi-judicial capacity only.

Subp. 9. **Person.** "Person" means ~~any an individual, partnership, corporation, joint stock company, unincorporated association or society, municipal corporation, or any government or governmental subdivision, unit, or agency, other than a court of law person.~~

Subp. 9a. **PLC.** "PLC" means a professional limited liability company.

Subp. 9b. **PLLP.** "PLLP" means a professional limited liability partnership.

Subp. 10. **Practice of public accounting.** "Practice of public accounting" means:

A. the expression of any form of assurance on financial statements or similar financial information; expressing opinions on financial statements or similar financial information for credit purposes, for use in courts, and for other purposes involving third parties; or services involving the use of auditing skills by a person or firm; or

B. the performance or the offering to perform by a person or firm holding itself out to the public as a licensee, for a fee for a client or potential client, of one or more kinds of services involving the use of accounting or auditing skills, including the issuance of reports on or preparation of financial statements or similar financial information, or of one or more kinds of management advisory, financial advisory or consulting services, or the preparation of tax returns or the furnishing of advice on tax matters by a person or entity holding itself out to the public as a licensee or firm.

[For text of subp 11, see M.R.]

Subp. 12. **Sole proprietorship.** "Sole proprietorship" means an unincorporated form of practice that is not a partnership.

1100.0600 COMMUNICATIONS.

A. An applicant, certificate holder, or licensee shall respond to communications from the board, committees of the board, or the attorney general on behalf of the board within 30 days of the mailing of communications, unless an earlier response is requested within the communications. An applicant, certificate holder, or licensee shall appear before the board, committees of the board, or the attorney general on behalf of the board when requested to do so and provide copies of all pertinent records, including handwriting samples, to assist the board in its deliberations. Communications should be addressed to "Executive Secretary, Board of Accountancy."

B. Certificate holders and licensees shall annually notify the board of their correct business and home addresses and telephone and fax numbers.

1100.0650 AGREEMENT TO OBSERVE CODE.

The act of filing an application for examination, certification, or licensure constitutes an agreement upon the part of the applicant to observe the Code of Professional Conduct, parts 1100.4000 to 1100.6100. Also, in the practice of public accounting and in rendering professional accounting services, a CPA, ~~and LPA,~~ and firm shall adhere to the code.

1100.0700 APPLICATION FOR CERTIFICATION.

[For text of subpart 1, see M.R.]

Subp. 2. **Form and need.** ~~Such Applications must shall~~ be submitted on a form provided by the board and in the case of a non-resident, supported by a statement of ~~that the applicant's need for a Minnesota certificate applicant is currently, has been within the preceding 90 days, or will be within the next 90 days: a resident of Minnesota, attending a school in Minnesota, or working in Minnesota.~~

[For text of subp 3, see M.R.]

1100.1000 EDUCATION REQUIREMENTS FOR CPA EXAMINATION APPLICANTS.

[For text of subps 1 and 1a, see M.R.]

Subp. 2. **Accounting major equivalency.** The following credits from a college or university fully accredited by the North Central Association of Schools and Colleges or its equivalent regional accrediting association constitute the equivalent of an accounting major:

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Proposed Rules

	Semester Hours	Quarter Hours
A. Accounting and Business Law	24	36
B. Business and Economics (may include accounting and business law not listed in item A)	24	36
C. Nonbusiness	32	48
D. Other	40	60
Total	120	180

Applicants shall have successfully completed the following types of courses: elementary financial accounting, elementary managerial accounting, intermediate accounting, cost and managerial accounting, and auditing. Credit is not permitted for duplicate courses.

The credits in item A ~~must~~ shall include a minimum of 27 quarter or 18 semester credits of accounting.

1100.1100 QUALIFYING EXPERIENCE FOR CPA EXAMINATION AND GRANTING OF LICENSE FOR CPA.

[For text of subs 1 to 4, see M.R.]

Subp. 5. **Continuing professional education compliance for certain certificate holders.** A certificate holder who applies for a license more than ~~30 months after having passed~~ two years and 90 days from the date of grade release for the uniform CPA examination passed shall comply with continuing professional education requirements as specified in part 1100.6700, subpart 3a.

Subp. 6. **Qualifying self-employment.** In accordance with *Minnesota Statutes*, section 326.19, subdivision 4, clause (3), the board shall grant a license to an applicant who shows to the satisfaction of the board that the applicant has experience or education in:

[For text of items A to E, see M.R.]

1100.1200 APPEARANCE BEFORE BOARD.

At the request of the board, a committee of the board, or the attorney general on behalf of the board or a committee of the board, a holder of a certificate or license issued by the board and an applicant for examination, certificate, or license shall appear before the board, committees of the board, or the attorney general, respond to any questions of the board, committees of the board, or the attorney general, and produce any evidence requested by the board, committees of the board, or the attorney general to assist the board in determining the person's qualifications or compliance with *Minnesota Statutes* and rules.

1100.1300 EXAMINATIONS AND CERTIFICATION FOR CPA APPLICANTS.

Subpart 1. **Standardized tests.** The examination shall consist of written tests provided on a uniform national basis by the American Institute of Certified Public Accountants or other body providing the examination.

Subp. 2. **Professional ethics.** A written examination on professional ethics is required before issuance of a certificate. A grade of at least 75 percent correct is required to pass this examination.

[For text of subs 3 to 8, see M.R.]

Subp. 9. **Passing grade.** To pass an examination an applicant must receive a grade of at least 75 percent correct in each of the sections covered by the examination.

Subp. 10. **Issuance of certificate.** Where an applicant has passed the examination, a certificate indicating passage of the ~~certified public accountant~~ examination shall be issued:

[For text of items A to D, see M.R.]

1100.1500 EXAMINATION RECIPROcity WITH OTHER STATES AND PROCTORING.

Subpart 1. [See repealer.]

[For text of subs 2 and 3, see M.R.]

1100.1900 LICENSURE REQUIREMENT FOR CPAS AND LPAS.

Subpart 1. Individual licenses. The following people, who engage in or intend to be engaged in the practice of public accounting within the state of Minnesota during all or part of a calendar year, shall apply for and obtain an individual license each year.

A. each individual holder of an unrevoked Minnesota certificate of license as a who has met the experience requirement; and

B. each licensed certified public accountant or licensed public accountant who engages in or intends to be engaged in the practice of public accounting within the state of Minnesota during all or part of a calendar year is required to apply for and obtain from the board an annual license.

In addition, licensees who intend to place their licenses in an inactive status for the calendar year must apply for and obtain individual inactive licenses for that year.

Subp. 2. Timing of application. The application for the initial annual license and the appropriate fee shall be submitted to the board within ~~30~~ 90 days after ~~engaging~~ engaging in public practice in any year, or meeting the experience requirement, whichever comes first.

Subp. 3. Governmental licenses. Applicants for a governmental license have 90 days after meeting the experience requirement to apply. Applicants who have held an active or inactive CPA or LPA license and who join government as described in *Minnesota Statutes*, section 326.19, subdivision 4, have 90 days to apply for a governmental license rather than an active or inactive license.

Subp. 4. Penalties. Failure to apply for licensure within the 90 days specified in subpart 2 or 3 constitutes practicing without a license.

Subp. 5. Notification. The board shall notify each current active, inactive, and governmental licensee of the licensing requirements for the succeeding year as required in subpart 6. Each licensee shall apply for a license, pay the appropriate fee as required in part 1100.3600, and inform the board of any address changes within 60 days of the date of occurrence.

Subp. 6. Applications; fees. A license application shall be submitted on a form provided by the board and shall be accompanied by the appropriate fee in the form of a money order or check payable to "Minnesota Board of Accountancy."

Subp. 7. Granting of license. A license shall be granted to any individual who:

A. meets the requirements of this chapter and *Minnesota Statutes*, section 326.19, subdivision 2, for licensure as a certified public accountant or *Minnesota Statutes*, section 326.191, for licensure as a licensed public accountant;

B. applies for licensure on forms provided by the board;

C. pays the appropriate fee;

D. is not subject to proceedings brought by the board pursuant to *Minnesota Statutes*, section 214.11;

E. has reported the necessary amount of continuing professional education courses as required by part 1100.6500; and

F. for a licensee practicing as a sole proprietor, is in compliance with all practice monitoring rules in parts 1100.9100 to 1100.9800.

1100.2110 TYPES OF LICENSES; EXEMPTIONS.

A license is required for persons who:

A. engage in the practice of public accounting; and

B. hold certified public accountant or licensed public accountant certificates, are eligible for licensure as

Subpart 1. Active license. Certified public accountants or licensed public accountants, and who are self-employed or employed by certified public accountants, licensed public accountants, or certified public accountant or licensed public accountant corporations or partnerships. For purposes of this chapter, such a license perform professional accounting services for a fee within the state shall be referred to as an maintain active license licenses.

Subp. 2. Inactive license. Persons who have held active licenses in the past who, are not currently engaged in the practice of public accounting performing professional accounting services for a fee within the state, and are exempt from the continuing professional education requirements of parts 1100.6400 to ~~1100.7800~~ 1100.8000 pursuant to part 1100.6700, subpart 1, shall be licensed. For purposes of this chapter, such a license shall be referred to as an maintain inactive license licenses.

Subp. 3. Exemption for age and disability. Licensees who are at least 60 years of age and no longer performing professional accounting services for a fee within the state, or who are permanently disabled and no longer performing professional accounting

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services for a fee within this state, may request an exemption from paying the annual licensing fees and being licensed. Upon the showing of proper documentation, the board shall grant the request.

Subp. 4. Governmental license. CPAs and LPAs who work for government organizations described in Minnesota Statutes, section 326.19, subdivision 4, and who do not perform professional accounting services for fees within the state outside their governmental positions, shall maintain governmental licenses. CPAs and LPAs who work for government organizations described in Minnesota Statutes, section 326.19, subdivision 4, and who do perform professional accounting services for fees within the state outside their governmental positions, shall maintain regular active licenses.

Subp. 5. Temporary license. CPAs who are licensed in other states, who are in good standing in these other states, and who come into Minnesota for a single engagement that will last more than 30 days but less than a year, may apply for and be granted a temporary license. The temporary license expires at the end of 12 calendar months from the date it was granted.

Subp. 6. Exemption for incidental practice. CPAs who are licensed in other states, who are in good standing in those states, who come into Minnesota to perform professional accounting services, and who are in Minnesota for less than 30 days in any 36-month period need not apply for or maintain a temporary license.

1100.2115 LICENSING BY RECIPROCITY AND TRANSFER OF GRADES.

Subpart 1. Qualification. In order to be licensed by reciprocity or transfer of grades, an applicant must:

- A. be currently licensed or qualified to be licensed in another jurisdiction;
- B. have taken and passed the uniform CPA examination; and
- C. have met all of the Minnesota requirements for licensure.

Subp. 2. Reciprocity. A reciprocal CPA certificate or license shall not be granted unless the jurisdiction in which the applicant was originally licensed or certified grants similar privileges to holders of Minnesota certificates and the applicant conforms to all requirements which would be imposed by the jurisdiction in which the applicant was originally licensed or certified upon the holder of a Minnesota CPA certificate seeking reciprocal recognition in that jurisdiction.

Subp. 3. Need. Application for a reciprocal CPA certificate or license must be supported by a passing score in the Minnesota ethics examination and a statement that the applicant is currently, has been within the preceding 90 days, or will be within the next 90 days: a resident of Minnesota, attending a school in Minnesota, or working in Minnesota. It must be accompanied by:

- A. a fee as specified in part 1100.3600, subpart 1;
- B. employment verifications;
- C. personal reference forms;
- D. a final official college or university transcript if the applicant has less than five years of public accounting experience;
- E. passing grades on an examination described in Minnesota Statutes, section 326.19, subdivision 3, clause (c); and
- F. a list of all the jurisdictions where the applicant has had a license or certificate and the status of that license or certificate in each of those jurisdictions.

Subp. 4. Board confirmation. Before granting a reciprocal certificate or license, the board shall contact the other jurisdictions where the applicant was licensed or certified and check to ensure that the applicant is of good character as required by Minnesota Statutes, section 326.19. In order to qualify for a reciprocal certificate or license, the applicant must have been in good standing in the jurisdiction in which the applicant was first licensed or certified.

1100.2120 VALIDITY OF LICENSES.

A. A license is valid until it is suspended or revoked or until it expires, whichever occurs first. All licenses are annual licenses for the year beginning on January 1 or on the date of original licensure, whichever is later, and ending on December 31 of the same calendar year.

B. Once licensed, a licensee shall maintain an active, inactive, or governmental license by annually paying the appropriate fee, unless the licensee:

(1) wishes to leave the practice of public accounting entirely, by surrendering both the license and certificate and not holding out as a CPA or LPA; or

(2) has applied for and been granted an exemption under part 1100.2110, subpart 3.

1100.2150 TIMELINESS OF INDIVIDUAL LICENSE RENEWAL.

[For text of subpart 1, see M.R.]

Subp. 1a. **Late processing fee.** A licensee who applies for a ~~license, an active or inactive, or governmental license~~, after the license has expired but before January 31 of the renewal year, shall pay a late processing fee in addition to an annual license fee as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewals are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 2. **Reinstatement fee.** An individual who applies for a ~~license, an active or inactive, or governmental license~~, after the license has expired and after January 31 of the renewal year, shall pay a reinstatement fee per year of nonrenewal in addition to the annual license fees as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

[For text of subp 3, see M.R.]

1100.2200 FAILURE TO APPLY AND PAY FEE PROPERLY RENEW AN INDIVIDUAL LICENSE.

~~Failure by a licensed CPA or LPA to comply with items A to D, shall be deemed an act discreditable and may be cause for suspension or revocation of the certificate. The licensee must:~~

~~A. apply for an annual license and;~~

~~B. pay the appropriate fee by a CPA or LPA shall be deemed unprofessional conduct and may be cause for suspension or revocation of the certificate-;~~

~~C. comply with the continuing professional education requirements in part 1100.6500; and~~

~~D. for a licensee practicing as a sole proprietor, comply with all practice monitoring rules in parts 1100.9100 to 1100.9800.~~

1100.2500 INITIAL LICENSING FOR PARTNERSHIPS OF FIRMS.

Subpart 1. Generally. In order to engage in the practice of public accounting, a firm shall be a CPA or LPA partnership, CPA or LPA corporation, CPA or LPA PLC, CPA or LPA PLLP, or any other entity organized in accordance with Minnesota laws governing the practice of public accounting and the organization and operation of partnerships, professional corporations, PLCs, and PLLPs.

A corporation or other entity that is not a firm as described in this subpart and in part 1100.0100, subpart 4b, and whose employees are engaged in activities described in part 1100.0100, subpart 10, item B, is not required to obtain a license.

Licensees who are employees, shareholders, partners, or members of a corporation or other entity that is not a firm as described in this subpart and in part 1100.0100, subpart 4b, shall not engage in activities described in part 1100.0100, subpart 10, item A, in connection with their employment or ownership of the entity.

Subp. 2. Partnerships. A partnership, including a domestic PLLP, consisting of one or more partners practicing public accounting in Minnesota, all of whom hold unrevoked Minnesota certificates and licenses, that engages in or intends to be engaged in the practice of public accounting within Minnesota during all or part of a calendar year shall apply for and obtain from the board an annual license for that year before engaging in public practice.

Subp. 3. Domestic corporations. A corporation, including a domestic PLC, applying for initial licensure shall incorporate under the Minnesota Professional Corporations Act, Minnesota Statutes, chapter 319A.

Subp. 4. Foreign corporations. To qualify under this part, a corporation incorporated in another state shall be incorporated as a corporation under the laws of that state provided the laws are at least equivalent to the Minnesota Professional Corporations Act, Minnesota Statutes, chapter 319A.

A foreign corporation, incorporated as a business corporation under laws other than Minnesota laws, shall amend its articles, bylaws, and buy and sell agreements in accordance with the Minnesota Professional Corporations Act, Minnesota Statutes, chapter 319A.

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Subp. 5. Initial firm license. The application for an initial firm license shall be filed with the board accompanied by a fee as provided in part 1100.3600, subpart 1, and shall include the following:

A. the name and address of each shareholder, officer, and director or governor, manager, and member;

B. a statement under oath as to whether all shareholders, directors, officers, employees, and agents or governors, managers, and members rendering professional service in this state on behalf of the corporation are licensed by this state or otherwise authorized to render such professional service;

C. proposed bylaws, partnership agreement, or operating agreement;

D. proposed agreement for buy and sell arrangements among the shareholders, members, or partners, unless the corporation has only one shareholder; and

E. a certified copy of the articles of incorporation or articles of organization filed with the Minnesota Secretary of State's office.

1100.3200 NOTICE OF CORPORATION'S FIRM'S LICENSE REQUIREMENTS; RESPONSIBILITY FOR APPLICATION AND FEE.

The board shall notify each currently licensed ~~corporation~~ firm of the licensing requirements for the succeeding year. In the absence of such notification, it is the responsibility of each ~~corporation~~ firm in public practice to apply for a license and pay the appropriate fee as provided in part 1100.3600, subpart 2. The ~~corporation~~ firm is responsible for determining that each of its CPA or LPA shareholders and employees practicing public accounting in Minnesota is also currently licensed as an individual with the board.

1100.3250 TIMELINESS OF CORPORATION FIRM LICENSE RENEWAL.

Subpart 1. **Renewal application filing deadline.** ~~Corporation~~ Firm renewal applications are not filed timely unless received by the board office by 4:30 p.m. on December 31. If December 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 1a. **Late processing fee.** A ~~corporation~~ firm that applies for a license, ~~active or inactive~~, after the license has expired but before January 31 of the renewal year, shall pay a late processing fee in addition to an annual license fee as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 2. **Reinstatement fee.** A ~~corporation~~ firm that applies for a license after the license has expired and after January 31 of the renewal year, shall pay a reinstatement fee per year of nonrenewal in addition to the annual license fees as required in part 1100.3600, subpart 2a. For the purposes of this subpart, license renewal applications are not filed timely unless received by the board office by 4:30 p.m. on January 31. If January 31 falls on a Saturday, Sunday, or holiday, the renewal application must be received in the board office by 4:30 p.m. on the first working day thereafter.

Subp. 3. **Action by board.** The payment of a late processing fee or reinstatement fee as required by subparts 1a and 2 shall not prevent the board from taking action against a licensee for having engaged in the practice of public accounting without being licensed by the board pursuant to *Minnesota Statutes, section 326.224*.

1100.3300 CORPORATION'S FAILURE TO APPLY PROPERLY RENEW FIRM'S LICENSE.

Failure by a firm to comply with items A to D shall be deemed an act discreditable and may be cause for disciplinary action pursuant to *Minnesota Statutes, section 326.229*, against the firm and the certificates and licenses of its officers, directors, members, and owners licensed to practice in this state. The firm must:

A. apply for license renewal;

B. file an annual report; and

C. pay the annual license fee shall be deemed unprofessional conduct and may be cause for suspension or revocation of the license of the corporation and the certificates and licenses of its officers, directors, and stockholders licensed to practice in this state; and

D. comply with all practice monitoring rules in parts 1100.9100 to 1100.9800.

1100.3400 ADMITTING ADDITIONAL STOCKHOLDER SHAREHOLDER.

Before admittance of a second or additional ~~stockholder~~ shareholder to a corporation, the proposed written agreement binding ~~stockholders~~ shareholders to purchase any share offered for sale by a qualified ~~stockholder~~ shareholder shall be submitted to the board as required by part 1100.2500, item E. See part 1100.3100, item B.

Upon the death of a partner or shareholder, the deceased's estate shall have 90 days to sell the deceased's interest in the CPA or LPA partnership, corporation, PLC, or PLLP to a qualified buyer.

1100.3550 NAMES.

Subpart 1. Use of CPA and LPA designation by individuals. An individual may use the designation "certified public accountant" or "licensed public accountant" as a credential only on business cards and resumes and may display a CPA or LPA certificate if the individual:

A. holds a CPA or LPA certificate without holding an active CPA or LPA license, or holds an inactive CPA or LPA license;

B. is not employed or otherwise retained by or associated with a CPA or LPA sole proprietor, partnership, or corporation; PLC; or PLLP engaged in the practice of public accounting as defined in part 1100.0100 or *Minnesota Statutes*, section 326.165;

C. registers annually with the board by December 31; and

D. files an affidavit annually with the individual's registration attesting to the fact that the individual has not been, is not now, and shall not practice public accounting without obtaining an active CPA or LPA license.

Subp. 2. Misleading use by persons prohibited. In addition to the other requirements of this part, a person shall not use the CPA or LPA designation in a context that may lead a reasonable person to believe that the person holds an active license as a CPA or LPA when that is not the case.

Subp. 3. Firm names. A licensee shall not practice under a firm name which includes any name other than that of the licensee or licensees that own the firm; indicates specialization; or is misleading as to the type of organization (sole proprietorship, partnership, corporation, LLC, or LLP), the ownership of the organization, or the ability, resources, or size of the organization. The name of a sole proprietorship shall be the first name, middle initial, and last name of the individual who owns the sole proprietorship.

Subp. 4. Names of past or deceased partners or shareholders. Names of one or more past partners or shareholders may be included in the firm name of a successor partnership or corporation. Where a partner or shareholder survives the death or withdrawal of all other partners or shareholders, the remaining partner or shareholder may continue to practice under the partnership or corporation name for up to two years after becoming a sole practitioner or a professional corporation with one shareholder. No name shall be used when the withdrawn partner or shareholder continues to practice public accounting or does not consent to the use of the name.

Subp. 5. Other designations. For purposes of *Minnesota Statutes*, section 326.211, subdivision 9, the term "other similar designations" includes the designation "and associates" and any abbreviation.

Subp. 6. Limitations on firm name. A firm shall not include the words "certified public accountant," "licensed public accountant," or the initials "CPA" or "LPA" in its firm name.

1100.3600 FEES.

Subpart 1. Initial application fees. Applications shall be accompanied by fees payable to the "Minnesota Board of Accountancy" in the amounts described in items A to G: as follows:

A. application for certified public accountant examination by first-time applicants, \$150;

B. application for certified public accountant reexamination in failed sections, \$40 per section but not in excess of \$150;

C. application for initial license for certified public accountant, \$50;

D. application for reciprocal license for certified public accountant, \$150;

E. application for reciprocal license for licensed public accountant, \$150;

F. nonrefundable fee to proctor out-of-state examination candidates applying to sit in Minnesota, \$50;

G. application for initial corporation license, \$100;

H. application for initial PLC or PLLP license, \$100;

I. application for temporary license, \$50;

J. application for initial governmental license, \$50; and

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K. application for initial partnership license, \$35.

Subp. 2. **Annual license renewal fees.** Annual license renewal fees shall be as follows:

- A. active individuals, \$45;
- B. inactive individuals, \$10;
- C. governmental individuals, \$15;
- D. partnerships, \$35; and
- ~~D.~~ E. corporations, \$35;
- F. PLCs and PLLPs, \$35; and
- G. temporary individuals, \$50.

Subp. 2a. **Annual license late processing fees.** Annual license late processing fees shall be as follows:

- A. active individuals, \$20;
- B. inactive individuals, \$10;
- C. governmental individuals, \$10; and partnerships/corporations
- D. partnerships, corporations, PLCs, and PLLPs, \$25.

[For text of subp 2b, see M.R.]

Subp. 2c. Continuing professional education late filing fee. A licensee who fails to file a continuing professional education report on June 30 of each year or who fails to report the necessary number of hours of course work by June 30 shall be assessed a late filing fee of \$50, and an additional \$25 per month until the report is properly filed.

[For text of subps 3 to 4, see M.R.]

1100.4000 AUTHORITY FOR RULES.

Parts 1100.4000 to ~~1100.6100~~ 1100.6200 are adopted under the authority granted by *Minnesota Statutes*, section 326.18, which delegates to the board the power and duty to make rules of professional conduct.

1100.4100 RATIONALE FOR RULES.

The reliance of the public and the business community on sound financial reporting and advice on business affairs imposes on the accounting profession an obligation to maintain high standards of technical competence, morality, and integrity. To this end, a certified public accountant or licensed public accountant shall at all times maintain independence of thought and action, hold the affairs of clients in strict confidence, strive continuously to improve professional skills, observe generally accepted auditing standards, promote sound and informative financial reporting, uphold the dignity and honor of the accounting profession, and maintain high standards of personal conduct.

Acceptance of licensure as a CPA or LPA implies that the licensee has assumed an obligation to be diligent in the performance of professional service, and fair and honest in relations with clients, fellow practitioners, and the public, and has a proper appreciation of duties to the community and state. ~~In recognition thereof the board has promulgated the following rules of professional conduct which each licensee agrees to regard as binding.~~

1100.4200 SCOPE OF CODE OF PROFESSIONAL CONDUCT.

Subpart 1. **Limitations.** ~~The rules of professional conduct which follow~~ Parts 1100.3800 to 1100.6200 apply to all services performed in the practice of public accounting including tax and management advisory services except:

- A. where the wording of the rule indicates otherwise; and
- B. that a licensee who is practicing outside the United States shall not be subject to discipline for departing from parts ~~1100.4000~~ 1100.3800 to ~~1100.6100~~ 1100.6200 so long as the licensee's conduct is in accord with the rules of the organized accounting profession in the country in which the licensee is practicing. However, where a licensee's name is associated with financial statements in such a manner as to imply that he or she is acting as an independent public accountant and under circumstances that would entitle the reader to assume that United States practices were followed the licensee shall comply with the requirements of parts 1100.4800 and 1100.4900.

A licensee engaged in the practice of public accounting with an active license shall observe all the rules of professional conduct. An individual with an inactive license, a certificate holder, or a retiree not engaged in the practice of public accounting shall observe only parts 1100.0600, 1100.4300, ~~and 1100.4500,~~ and 1100.4900 since all other rules of professional conduct relate only to the practice of public accounting.

Subp. 2. [See repealer.]

1100.4300 ACTS DISCREDITABLE.

[For text of subs 1 and 2, see M.R.]

Subp. 2a. Failure to follow standards, procedures, or other governmental requirements in governmental audits. Engagements for audits of government grants, government units, or other recipients of government money typically require that such audits be in compliance with government audit standards, guides, procedures, statutes, rules, and regulations, in addition to generally accepted auditing standards. If a licensee has accepted such an engagement and undertakes an obligation to follow specified government audit standards, guides, procedures, statutes, rules, and regulations, in addition to generally accepted auditing standards, the licensee shall follow such requirements unless the licensee discloses in the licensee's report the fact that such requirements were not followed and the reasons why.

[For text of subp 3, see M.R.]

Subp. 4. Failure to follow requirements of governmental bodies, commissions, or other regulatory agencies in performing attest or similar services. When a licensee agrees to perform an attest or similar service for the purpose of reporting to governmental bodies, commissions, or regulatory agencies, the licensee ~~must~~ shall follow their requirements, in addition to the generally accepted auditing standards incorporated by reference in part 1100.4650, where applicable. Failure to substantially follow the requirements is an act discreditable to the profession, unless the licensee discloses in the licensee's report that the requirements were not followed and gives the reasons why.

1100.4400 INDEPENDENCE.

Subpart 1. Financial statements Independence. A licensee, all persons with a managerial position in the licensee's office, and all partners and shareholders in the licensee's firm shall be independent when the licensee or the licensee's firm performs:

- A. an audit or review of a financial statement;
- B. a compilation of a financial statement when the licensee expects, or reasonably might expect, that a third party will use the financial statement and the licensee's compilation report does not disclose a lack of independence; ~~or~~
- C. an examination of prospective financial information; or
- D. other attest engagements. An attest engagement is one in which a licensee is engaged to issue or does issue a written communication that expresses a conclusion about the reliability of a written assertion that is the responsibility of another party.

Subp. 2. Conflicts of interest Impairment of independence. Independence shall be considered to be impaired if, for example, a licensee had any of the following transactions, interests, or relationships:

- A. While providing professional accounting services for the client, or at the time of expressing an opinion, a licensee or a licensee's firm:

[For text of subitems (1) to (3), see M.R.]

(4) had any loan to or from the enterprise or any officer, director, or principal ~~stockholder~~ shareholder of the enterprise except as permitted under "Grandfathered Loans" and "Other Permitted Loans" in the AICPA Professional Standards, Volume 2, ET Section 101.07, incorporated by reference in part 1100.4650.

[For text of item B, see M.R.]

1100.4500 INTEGRITY AND OBJECTIVITY; CONFLICT OF INTEREST.

[For text of item A, see M.R.]

B. A licensee who knowingly makes, or permits or directs another to make, false and misleading entries in an entity's financial statements or records shall be considered to have knowingly misrepresented facts in violation of this part.

C. A conflict of interest may occur if a licensee performs a professional accounting service for a client or employer, and the licensee or the licensee's firm has a significant relationship with another person, entity, product, or service that could be viewed as impairing the licensee's objectivity. If this significant relationship is disclosed to and consent is obtained from the client, employer, or other appropriate parties, this part shall not operate to prohibit the performance of the professional accounting service. When making the disclosure, the licensee should consider part 1100.5100.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

[For text of item D, see M.R.]

E. In dealing with an employer's external accountant, a licensee or certificate holder must be candid and not knowingly misrepresent facts or knowingly fail to disclose material facts. This would include, for example, responding to specific inquiries for which the external accountant requests written representation.

1100.4650 INCORPORATION BY REFERENCE.

For the purposes of parts 1100.4300, 1100.4400, 1100.4700, 1100.4800, and 1100.4900, the following documents are incorporated by reference, are subject to frequent change, and are available through the state law library:

A. AICPA Professional Standards, Volumes 1 and 2, published for the American Institute of Certified Public Accountants by Commerce Clearing House, Inc. (June 1, ~~1993~~ 1994);

B. Current Text, Accounting Standards, published by the Financial Accounting Standards Board (June 1, ~~1993~~ 1994); and

C. Government Auditing Standards, Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, by the Comptroller General of the United States, published by the United States General Accounting Office (1988 Revision).

1100.4700 COMPETENCE.

Subpart 1. Professional competence. A licensee and a licensee's firm shall not only undertake any engagement which those professional services that the licensee or the licensee's firm ~~cannot~~ can reasonably expect to complete with professional competence. In determining "incompetence" or "negligence," the board may consider, among others, the documents incorporated by reference in part 1100.4650, items A, B, and C.

Subp. 2. Due professional care. A licensee and a licensee's firm shall exercise due professional care in the performance of professional accounting services.

Subp. 3. Planning and supervision. A licensee and a licensee's firm shall adequately plan and supervise the performance of professional accounting services.

Subp. 4. Sufficient relevant data. A licensee and a licensee's firm shall obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any professional accounting services performed.

1100.4800 AUDITING STANDARDS.

Licensees shall not permit their names to be associated with financial statements in such a manner as to imply that they are acting as independent public accountants unless they have complied with AICPA Professional Standards incorporated by reference in part 1100.4650, item A. Statements on auditing procedure in that document are, for purposes of this part, considered to be interpretations of the generally accepted auditing standards, and departures from such statements (or other standards considered by the board to be applicable in the circumstances) must be justified by those who do not follow them.

1100.4900 ACCOUNTING PRINCIPLES.

Subpart 1. Prohibited statements. A licensee shall not:

A. express an opinion or state affirmatively that the financial statements or other financial data of an entity are presented in conformity with generally accepted accounting principles; or

B. state that the licensee is not aware of any material modifications that should be made to such statements or data in order for them to be in conformity with generally accepted accounting principles if the statements contain any departure from generally accepted accounting principles as described in AICPA Professional Standards, Volume 1 and 2, or Current Text, Accounting Standards, as of June 1, ~~1993~~ 1994, incorporated by reference in part 1100.4650, item A or B, which has a material effect on the statements taken as a whole, unless the licensee can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In such cases, the licensee's report must shall describe the departure, the approximate effects, if practicable, and the reasons why compliance with the principle would result in an otherwise misleading statement.

Subp. 2. Application. This part applies to all licensees and certificate holders with respect to any affirmation that financial statements or other financial data are presented in conformity with generally accepted accounting principles (GAAP). Representation regarding GAAP conformity included in a letter or other communication from a client entity to its auditors or others related to that entity's financial statements is subject to this part and may be considered an affirmative statement within the meaning of this part with respect to licensees and certificate holders who signed the letter or other communication, for example, signing reports to regulatory authorities, creditors, and auditors.

1100.5100 CONFIDENTIAL CLIENT INFORMATION.

A licensee shall not disclose any confidential information ~~obtained in the course of a professional engagement~~ except without the consent of the client.

This part shall not be construed:

A. to relieve a licensee of the obligation under parts 1100.4800 and 1100.4900;

B. to affect in any way compliance with a validly issued subpoena or summons enforceable by order of a court, or to prohibit a licensee's compliance with applicable laws and government regulations;

C. to prohibit review of a licensee's professional practices as part of ~~voluntary~~ a board authorized quality review under board authorization program; or

D. to preclude a licensee from initiating a complaint with or responding to any inquiry made by the board, under state statutes, or the ethics committees of professional organizations recognized by the board.

Members of the board and professional practice reviewers ~~under board authorization~~ identified in items C and D shall not use to their own advantage or disclose any confidential client information which comes to their attention from licensees in disciplinary proceedings or otherwise in carrying out their official responsibilities. However, this prohibition shall not restrict the exchange of information with an aforementioned duly constituted investigative or disciplinary body.

This prohibition shall also not be construed to prohibit the review of a professional CPA or LPA practice by a qualified reviewer as part of a board authorized quality review program.

A review of a CPA's or LPA's professional practice is authorized to include a review in conjunction with a prospective purchase, sale, or merger of all or part of the licensee's practice. The licensee must take appropriate precautions, for example, through a written confidentiality agreement, so that the prospective purchaser does not disclose any information obtained in the course of the review, since the information is deemed to be confidential client information.

Licensees reviewing a practice in connection with a prospective purchase or merger shall not use to their advantage nor disclose any confidential client information that comes to their attention.

1100.5800 COMMISSIONS AND REFERRAL FEES.

Subpart 1. **Prohibited commissions.** ~~A~~ An active licensee shall not ~~for a commission~~ recommend or refer to a client any product or service for a commission, or ~~for a commission~~ recommend or refer to any product or service to be supplied by a client for a commission, or receive a commission, when the licensee or the licensee's firm also performs for that client:

[For text of items A to C, see M.R.]

Subp. 2. **Disclosure of permitted commissions.** ~~A~~ An active licensee who is not prohibited by this part from performing services for or receiving a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the licensee recommends or refers a product or service to which the commission relates.

[For text of subp 3, see M.R.]

1100.5850 CONTINGENT FEES.

~~A~~ An active licensee shall not:

[For text of items A and B, see M.R.]

1100.6100 SOLICITATION.

~~A~~ An active licensee shall not solicit an engagement to perform professional services:

[For text of items A and B, see M.R.]

1100.6400 STATUTORY AUTHORITY; PURPOSE.

Under *Minnesota Statutes*, section 214.12, the board prescribes parts 1100.6400 to 1100.7800 to establish requirements of continuing professional education (CPE) to be met from time to time by active and governmental licensees in order to maintain their professional knowledge and competence, as a condition to continuing to practice as licensed certified public accountants or licensed public accountants.

1100.6500 CONTINUING PROFESSIONAL EDUCATION REQUIREMENT.

[For text of subs 1 and 2, see M.R.]

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Subp. 4. **Annual minimum CPE report.** Before July 1 of each year, every active and governmental licensee shall report a minimum of 20 continuing professional education credits to the board on the required form.

[For text of subp 5, see M.R.]

1100.6700 COMPLIANCE AND EXCEPTIONS.

Subpart 1. **Standards.** Licensees shall maintain the high standards of the profession in selecting quality education programs to fulfill the continuing professional education requirement.

All licensees are required to comply with the continuing professional education requirements except those individuals ~~not engaged in public practice, licensed as inactive,~~ such as licensees in private industry, ~~governmental organizations,~~ educational institutions, or similar activities, unless those individuals in addition to their basic employment engage in ~~public the practice, regardless of degree, or perform for compensation any services normally performed by public accountants whether or not a license is required to perform such services of public accounting.~~

Failure to submit the continuing professional education report on time or failure to report the necessary amount of continuing professional education will subject the licensee to the late filing fees in part 1100.3600, subpart 2c.

Subp. 2. **Nonresident licensees.** Licensees who are out-of-state residents and not engaged in the practice of public accounting in this state are excepted from the continuing professional education requirements until such time as they enter or reenter this state to practice public accounting. This exception also applies to nonresident licensees who are partners of public accounting partnerships or ~~stockholders~~ shareholders of professional accounting corporations, or PLCs or PLLPs that are licensed by the board to do business in this state, provided such nonresident licensees do not practice public accounting in this state.

An individual who holds a valid and unrevoked certified public accountant or licensed public accountant certificate issued by any state or political subdivision of the United States or a comparable certificate or degree issued by any foreign country, and who receives a license to practice in this state under the appropriate provisions of the accountancy law, will be required to comply with the continuing professional education requirement on a pro rata basis when the license is next renewed and each succeeding three-year period.

Subp. 3a. **Original licenses.** A certificate holder who does not apply for the license within ~~30 months~~ two years and 90 days of having ~~passed~~ received the results of the uniform CPA examination shall furnish satisfactory evidence of having completed ~~40 20~~ hours of acceptable continuing professional education within the 12 months ~~before application.~~ The applicant shall also complete and report 40 hours of acceptable continuing professional education before the next December 31 immediately after licensure.

[For text of subp 4, see M.R.]

Subp. 6. **Inactive license status.** A licensee may surrender an active license and request exemption from the continuing professional education requirements if the licensee does not hold out as a public accountant, perform public accounting services to any degree whatever, with or without any form or remuneration, ~~or~~ and is not engaged in an employment which was used as experience for initial licensure. Requests for inactive status are subject to approval by the board and shall be reported annually at renewal time.

Subp. 7. Governmental license status. Those licensees holding governmental licenses shall take and report 60 hours of continuing professional education during each three-year cycle instead of the 120 hours required for active licensees. These 60 hours shall be taken and reported under the same rules and reporting methods as the 120 hours.

Subp. 8. Temporary licensees. Temporary licensees must be current with their continuing professional education in their home states before being allowed to practice temporarily in Minnesota.

1100.6800 PROGRAMS WHICH QUALIFY.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Programs presumed to qualify.** The following programs are deemed to qualify provided the criteria in subpart 2 are met:

- A. professional development programs of recognized national and state accounting organizations-;
- B. technical sessions at meetings of recognized national and state accounting organizations and their chapters-;
- C. university or college courses:

(1) credit courses. Each semester hour credit shall equal 15 hours toward the requirement. A quarter hour credit shall equal ten hours-; and

(2) noncredit short courses-;

D. formal organized in-firm or in-house educational or training programs- including, for example, videotape presentations, formal programs on legislative changes, and sessions on how to enforce new rules and laws;

Adopted Rules

- E. participation in committee meetings of recognized professional societies which are structured as educational programs;
- F. meetings at dinner, luncheon, and breakfast which are structured as formal educational programs;
- G. firm meetings for staff or management groups, except that portions of such meetings devoted to administrative and firm matters do not qualify; and
- H. programs in other recognized organizations (accounting, industrial, professional, etc.).

[For text of subs 4 and 5, see M.R.]

REPEALER. *Minnesota Rules*, parts 1100.0100, subpart 5; 1100.1500, subpart 1; 1100.1600; 1100.1902; 1100.1905; 1100.2000; 1100.2100; 1100.2300; 1100.2600; 1100.2700; 1100.2750; 1100.2800; 1100.3000; 1100.3100; 1100.3500; 1100.4200, subpart 2; and 1100.5000, are repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Board of Animal Health

Adopted Permanent Rules Relating to Pseudorabies

The rules proposed and published at "State Register", Volume 19, Number 6, pages 246-260, August 8, 1994 (19 SR 246), are adopted as proposed.

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Official Notices

Pursuant to the provisions of Minnesota Statutes §14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Minnesota State Agricultural Society

Minnesota State Fair

Meeting Notice

The board of managers of the Minnesota State Agricultural Society, governing body of the State Fair, will conduct a business meeting at 10:00 a.m., Wednesday, November 9 at the Administration Building on the fairgrounds. The general business session will be preceded by a 9:15 a.m. meeting of the board's sales committee.

Department of Agriculture

Minnesota Rural Finance Authority

Notice of Public Hearing on the Issuance of an Agricultural Development Revenue Bond under Minnesota Statutes, Chapter 41C

NOTICE IS HEREBY GIVEN that a public hearing will be held on **November 16, 1994**, at **9 A.M.** in **Room 145** Department of Agriculture Building, 90 West Plato Boulevard, Saint Paul Minnesota, on a proposal that the Minnesota Rural Finance Authority (the Authority) issue its revenue bond under *Minnesota Statutes*, Chapter 41C, in order to finance the purchase of **approximately 11 acres with buildings** located in **Section 21, Alden Township, Freeborn County, Minnesota** on behalf of **Douglas Steele**, a single person (the Borrower). The maximum aggregate face amount of the proposed bond issue is **\$100,000.00**. The revenue bond will be a limited obligation of the Authority, payable solely from the revenue pledged to the payment thereof. No holder of such revenue bond will ever have the right to compel any exercise of the taxing power of the State of Minnesota to pay the bond or the interest thereon, nor to enforce payment against any property of the Authority or the State of Minnesota, except the revenues specifically pledged to the payment thereof. Before issuing the revenue bond, the Authority will enter into an agreement with the Borrower whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on such revenue bond when due. All persons interested may appear and be heard at the time and place set forth above, or may file written comments with the Executive Director of the Authority prior to the date of the hearing set forth above.

Dated: 10 October 1994

LaVonne Nicolai
RFA Executive Director

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Department of Health

Notice of Intent to Publish a Written Notice Concerning Practices and Rights with Respect to Access to Health Records

The Commissioner of Health intends to publish a final notice as required by an amendment to *Minnesota Statutes*, section 144.335 which added a subdivision to read:

Subd. 5a. NOTICE OF RIGHTS: INFORMATION ON RELEASE. A provider shall provide to patients, in a clear and conspicuous manner, a written notice concerning practices and rights with respect to access to health records. The notice must include an explanation of:

- (1) disclosures of health records that may be made without the written consent of the patient, including the type of records and to whom the records may be disclosed; and
- (2) the right of the patient to have access to and obtain copies of the patient's health records and other information about the patient that is maintained by the provider.

The notice requirements of this paragraph are satisfied if the notice is included with the notice and a copy of the patient and resident bill of rights under section 144.652 or if it is displayed prominently in the provider's place of business. The commissioner of health shall develop the notice required in this subdivision and publish it in the "State Register".

The following notice is a draft Notice of Rights that the Minnesota Department of Health has written to satisfy *Minnesota Statutes*, Sec. 144.335, Subd. 5a. Written comments regarding the draft notice may be sent to the Minnesota Department of Health through November 30, 1994. Please send comments to:

Mary Sarazin Timmons
 Data Analysis Program
 Health Care Delivery Policy Division
 P.O. Box 64975
 St. Paul, Minnesota 55164-0975

Dated: 18 October 1994

Commissioner Mary Jo O'Brien
 Minnesota Department of Health

Minnesota's Bookstore Subscription Services

Minnesota's Bookstore offers several subscription services of activities, awards, decisions and special bulletins of various Minnesota agencies. Use the handy order form on the back of the *State Register* to order.

<i>Career Opportunity Bulletin</i> -- one year	90-3	\$ 30.00	<i>Workers Compensation Decisions</i> ,	90-12	\$400.00
<i>Career Opportunity Bulletin</i> -- six months	90-4	\$ 24.00	unpublished subs run Jan-Dec 1993; can be prorated		
<i>Gaming News</i> -- one year	90-8	\$ 40.00	<i>State Register</i> -- one year (via mail)	90-1	\$150.00
<i>Human Services Informational and Instructional Bulletin</i>	90-6	\$120.00	<i>Contracts Supplement</i> (one year)		
<i>Minnesota Statutes</i> set + supplement	18-2	\$165.00	-- via First Class Mail	90-5	\$125.00
<i>Minnesota Rules</i> 1991 set + supplement	18-100	\$200.00	-- via FAX	90-7-fax	\$140.00
<i>Tax Court/Property Decisions</i>	90-11	\$350.00	-- via ONLINE Service	90-7-online	\$140.00
<i>Workers Compensation Decisions</i> Vol. 48	90-13	\$195.00	Trial Subscription (13 weeks) of both <i>State Register</i> and <i>Contracts Supplement</i>	90-2	\$ 60.00

TO ORDER: Send to Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155. Call 612/296-0931, or toll-free nationwide; 1-800-657-3757. Prepayment is required. Please include daytime phone. Prices are subject to change. FAX: 612-296-2265.

**ACCESS TO HEALTH RECORDS
PRACTICES AND RIGHTS**

DRAFT

RELEASE OF HEALTH RECORDS AND CONFIDENTIALITY

Certain federal and state laws protect patients' rights to confidentiality of their health records. A health care provider or a person who gets health records from a provider, may not release a patient's health records without a signed and dated consent from that patient. Sometimes the law makes exceptions.

Under Minnesota law, a patient may review any information in his or her health records, regarding any diagnosis, treatment and prognosis. If a patient asks in writing, a provider must give the patient copies of either the records or copies of a summary of the information in the records unless the provider determines that the information is detrimental to the physical or mental health of the patient, or is likely to cause the patient to inflict self harm, or to harm another. Minnesota statute sets a maximum fee charged for finding and copying records. If the copy requested is for current care, there is no charge.

RELEASE OF HEALTH RECORDS WITHOUT PATIENT CONSENT

Sometimes health record information may or must be released without the patient's consent. The following are some, but possibly not all, examples:

- In a medical emergency
- When a federal law requires it
- When someone receives a court order or a federal grand jury subpoena requiring release of health information
- Under Minnesota law to the following persons or organizations for specific purposes:
 - Department of Health
 - Department of Human Services
 - Department of Public Safety
 - Department of Commerce
 - Department of Employee Relations
 - Department of Labor and Industry, insurers and employers in worker's compensation cases
 - Office of Mental Health Practices
 - Ombudsman for Mental Health and Mental Retardation
 - State Fire Marshal
 - Health Boards
 - Community Action Agencies
 - Health professional licensing boards or agencies
 - Schools and childcare facilities may transfer immunization records without consent
 - Law enforcement agencies
 - Public or private post-secondary education institutions
 - Local welfare agencies
 - Medical examiners or coroners
 - Medical or scientific researcher
 - Minnesota Health Data Institute
 - Potential victims of serious threats of physical violence
 - Guardians or conservators of incompetent persons
 - Parents/legal guardians of a minor who is being treated where failure to inform could create serious health problems
 - Insurance companies paying for independent medical examinations

If you have any questions or require additional information, call the Minnesota Department of Health at (612) xxx-xxxx.

10/17/94

Department of Health

Commissioner of Health

Notice and Order of Continuation of Hearing in the Matter of the License Application of First Care Medical Services, Fosston, Minnesota

NOTICE IS HEREBY GIVEN that pursuant to the Findings of Fact, Conclusions and Final Order issued on July 6, 1994 regarding the above captioned matter, the hearing on the application of First Care Medical Services, Fosston, Minnesota for a change in type of license from Basic Ambulance to Advanced Ambulance will be reconvened.

IT IS THEREFORE ORDERED AND NOTICE IS HEREBY GIVEN THAT:

1. The reconvened public hearing is scheduled for December 6, 1994 at First Care Medical Services, Nursing Home Cafeteria, 900 Hilligoss Blvd. E., Fosston, Minnesota, commencing at 7:00 p.m. and will be conducted pursuant to *Minnesota Statutes* §§ 14.57-14.69 and 144.802. The hearing is limited to matters addressed in Finding Nos. 5 to 11, Conclusions No. 4 and the relevant parts of the Memorandum of Commissioner's Order - Number AMB-94-7-MDH. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

2. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g). All evidence submitted in conjunction with the hearing in this matter held on February 28, 1994, remains a part of the record. The Administrative Law Judge and the Commissioner will consider that evidence, along with any new evidence submitted as part of the reconvened hearing scheduled for December 6, 1994 in making a recommendation and issuing a final order.

3. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* §§ 14.57 - 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100 - 1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

4. James P. Fossum, Office of Administrative Hearings, (Business Address: 611 Oak Street, Brainerd, Minnesota 56401), telephone: (218) 828-3398, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be mailed to the administrative law judge on or before December 6, 1994.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and then all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 24 October 1994

Mary Jo O'Brien
Commissioner of Health

Department of Health

Commissioner of Health

Notice of Completed Application and Notice of and Order for Hearing in the Matter of the License Application of Willmar Ambulance Service, Willmar, Minnesota

PLEASE TAKE NOTICE that the Commissioner of Health (hereinafter "Commissioner") has received a completed application from Willmar Ambulance Service, Willmar, Minnesota, for a change in type of service from basic to advanced ambulance for a primary service area that includes a portion of Kandiyohi County.

IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN that, pursuant to *Minnesota Statutes* §§ 14.57 - 14.69 and *Minnesota Statutes* § 144.802 a public hearing will be held on December 8, 1994 at Willmar Municipal Utilities Building, 700 Litchfield Ave. S.W. (entrance on West side), Willmar, Minnesota, commencing at 7:00 p.m. If you have an interest in this matter you are hereby urged to attend the public hearing. Failure to do so may prejudice your rights in this and any subsequent proceedings in this matter.

1. The purpose of the hearing is to determine whether the application from this ambulance service should be granted based upon the criteria set forth in *Minnesota Statutes* § 144.802, subd. 3(g).

2. This proceeding has been initiated pursuant to and will be controlled in all aspects by *Minnesota Statutes* §§ 144.801 - 144.8093, *Minnesota Statutes* §§ 14.57 - 14.69, and Rules for Contested Cases of the Office of Administrative Hearings, *Minnesota Rules* 1400.5100-1400.8402. Copies of the rules and statutes may be obtained for a fee from the Department of Administration, Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, telephone: (612) 297-3000.

3. Jon Lunde, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone: (612) 341-7645, will preside as administrative law judge at the hearing, and will make a written recommendation on this application. After the hearing, the record and the administrative law judge's recommendation will be forwarded to the Commissioner to make the final determination in the matter.

4. Any person wishing to intervene as a party must submit a petition to do so under *Minnesota Rules* 1400.6200 on or before November 21, 1994. This petition must be submitted to the administrative law judge and shall be served upon all existing parties and the Commissioner. The petition must show how the contested case affects the petitioner's legal rights, duties or privileges and shall state the grounds and purposes for which intervention is sought and indicate petitioner's statutory right to intervene if one exists.

5. In addition to or in place of participating at the hearing, any person may also submit written recommendations for the disposition of the application. These recommendations must be received by the administrative law judge on or before November 30, 1994.

6. Any subpoena needed to compel the attendance of witnesses or the production of documents may be obtained pursuant to *Minnesota Rules* 1400.7000.

7. At the hearing the applicant will present its evidence showing that a license should be granted and then all persons will be given an opportunity to cross-examine witnesses, to be heard orally, to present witnesses, and to submit written data or statements. All persons are encouraged to participate in the hearing and are requested to bring to the hearing all documents, records, and witnesses needed to support their position. It is not necessary to intervene as a party in order to participate in the hearing.

8. Please be advised that if nonpublic data is admitted into evidence, it may become public data unless an objection is made and relief is requested under *Minnesota Statutes* § 14.60, subd. 2.

9. You are hereby informed that you may choose to be represented by an attorney in these proceedings, may represent yourself, or be represented by a person of your choice if not otherwise prohibited as the unauthorized practice of law.

10. A Notice of Appearance must be filed with the administrative law judge identified above within 20 days following receipt of the Notice by any person intending to appear at the hearing as a party.

11. In accordance with the provisions of *Minnesota Statutes* § 14.61, the final decision of the Commissioner in this proceeding will not be made until the Report of the Administrative Law Judge has been made available to the parties in this proceeding for at least 10 days. Any party adversely affected by the Report of the Administrative Law Judge has the right to file exceptions and present arguments to the Commissioner. Any exceptions or arguments must be submitted in writing and filed with the Commissioner of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440, within 10 days of the receipt of the Administrative Law Judge's Report.

Dated: 21 October 1994

Mary Jo O'Brien
Commissioner of Health

Department of Labor and Industry

Labor Standards Division

Notice of Correction to Prevailing Wage Rates

Prevailing wage rates determined and certified October 17, 1994, for Laborers, Highway/Heavy construction has been corrected.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

John B. Lennes, Jr.
Commissioner

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective October 31, 1994 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Anoka: Mn Correctional Facility Building F-1 Classroom Addition-Lino Lakes.

Brown: Flandrau State Park Group Camp Accessibility Project-New Ulm; Well House Food Raising Protection for Mound Wells-New Ulm.

Goodhue: Red Wing Sr. High School Concession Building-Red Wing.

Hennepin: Brooklyn Park Household Hazardous Waste Addition-Brooklyn Park; MPLS/STP International Airport 1994 Miscellaneous Modification.

Ramsey: Capitol Square Building 1st Floor Lobby Remodeling, Holman Field Toilet Modifications, Piledriving New High School-St. Paul.

St. Louis: Humanities Elevator Remodeling Project-Duluth.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes, Jr.
Commissioner

Department of Natural Resources

Division of Fish and Wildlife

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Ecologically Harmful Exotic Species and Infested Waters

NOTICE IS HEREBY GIVEN that the Minnesota Department of Natural Resources is seeking information or opinions from sources outside the agency in preparing to propose adoption of rules governing ecologically harmful exotic species and infested waters.

Subject of Rules and Statutory Authority. The proposed rules will cover: identification of infested waters and notice; identification of limited infestations of Eurasian water milfoil and notice; delineation and markers for limited infestations of Eurasian water milfoil; prohibition on taking bait from infested waters; prohibition of sport gill netting for whitefish and ciscoe in infested waters; commercial fishing restrictions in infested waters; prohibition on entry into delineated areas marked for limited infestation of Eurasian water milfoil; transporting water and live fish from infested waters; disposition of water used to transport fish from

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infested waters; watercraft leaving select infested waters; diversion, appropriation, and transportation of infested waters; fish hatchery or aquatic farm operation in infested waters; violations; and confiscations.

The adoption of these rules is authorized by *Minnesota Statutes*, section 84.9691 which allows the commissioner of natural resources to adopt rules restricting the introduction, propagation, use, possession, and spread of ecologically harmful exotic aquatic plants and wild animals.

Small Business Considerations. Outside opinion is also being solicited as to any effect the rules might have on small businesses, as defined under *Minnesota Statutes*, section 14.115, subdivision 1. The rules may have an impact on small businesses dealing with private aquaculture, minnow dealers, and commercial fishing.

Aquaculture operators may be impacted because the rules would prohibit the licensing of natural lakes or wetlands for private fish hatcheries if the waters have been identified as having select ecologically harmful exotic species. This should have little impact on current aquaculture operators because there are no facilities using infested waters and no infested ponds licensed at this time.

Commercial bait harvesters and minnow dealers may be impacted because the rules would prohibit the harvest of wild animals for bait from waters having select ecologically harmful exotic species. There are currently 72 waterbodies in the state that are identified as infested where bait harvesting would be prohibited. There are two major waterbodies, the St. Louis River below the Fond du Lac dam and the Mississippi River down stream of St. Anthony Falls, where bait harvesting is prohibited.

Commercial fishing may be affected by these rules because of changes requiring the removal of all aquatic vegetation from nets, drying or freezing of nets, inspection of equipment before reuse, and notification of the department, when nets are transferred from waters infested with ecologically harmful exotic species to noninfested waters. Commercial harvesting of fish from infested waters would be affected because fish would not be allowed to be transported in water from waterbodies having select ecologically harmful exotic species. Water from a noninfested source would need to be supplied to transport fish from infested waters. Also, a permit would be required to dispose of water used to transport fish from infested waters. The permit would specify appropriate locations to dispose of the water used to transport fish from infested waters. There are 72 waterbodies that are infested with select ecologically harmful exotic species where these regulations would apply. Commercial operators harvest fish from five infested waterbodies: Lake Superior, Mississippi River, St. Louis River, Rush Lake, Sauk Lake. Nets are not normally transferred from Lake Superior to inland waters.

These proposed rules are consistent with other state and federal laws that prohibit the transport of zebra mussels and Eurasian water milfoil.

Comments and Agency Contact Person. The Minnesota Department of Natural Resources requests information and opinions concerning the subject matter of the rules. A draft of the proposed rules is available for review and comment; a copy is available from the agency contact person. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Jay Rendall
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4020

Oral statements will be received during regular business hours over the telephone at (612) 297-1464 and in person at the above address.

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity.

The department does not intend to establish an advisory task force on this issue. If no hearing is required, the rulemaking process is expected to be completed during March of 1994.

All statements of information and opinions shall be accepted throughout the rulemaking process until the rules are adopted or withdrawn. All written material received by the Department of Natural Resources shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 19 October 1994

Rodney W. Sando, Commissioner
Department of Natural Resources

Minnesota Planning

Environmental Quality Board

Decision on Certificate of Site Compatibility for the Cottage Grove Cogeneration Project

At its regularly scheduled meeting on October 20, 1994, the Minnesota Environmental Quality Board designated the site at which the proposed Cottage Grove Cogeneration Project may be constructed. The Board designated Applicant LS Power's "preferred site," and issued a Certificate of Site Compatibility to LS Power-Cottage Grove, L.P.

Minnesota State Retirement System (MSRS), Teachers Retirement Association (TRA), and Public Employees Retirement Association (PERA)

Notice of Joint Board Meeting

A joint meeting of the Boards of the Minnesota State Retirement System, Teachers Retirement Association, and Public Employees Retirement Association is scheduled to be held on Friday, November 4, 1994, at 9:30 a.m., in the Conference Room D, Veterans Service Building, 20 W. 12th Street, St. Paul, MN.

Teachers Retirement Association (TRA)

Notice of Regular Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, November 17, 1994, at 9:00 a.m., in Suite 500, Gallery Building, 17 W. Exchange St., St. Paul, MN to consider matters which may properly come before the Board.

Public Utilities Commission

Notice of Application of Northern States Power for Certificate of Need for Approximately 100 Megawatts of Wind Generation

Before the Minnesota Public Utilities Commission

Don Storm	Chair
Tom Burton	Commissioner
Marshall Johnson	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner

In the Matter of the Application of Northern
States Power Company for a Certificate of
Need for Approximately 100 Megawatts of
Wind Generation

ISSUE DATE: October 20, 1994

DOCKET NO. E-002/CN-94-795

NOTICE AND ORDER FOR HEARING

PROCEDURAL HISTORY

I. The Application

On September 23, 1994, Northern States Power Company (NSP or the Company) filed an application for a certificate of need to

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build 100 MW of wind generation on a portion of a topographically elevated area known as Buffalo Ridge in southwestern Minnesota.

On October 6, 1994, the Commission issued its ORDER GRANTING EXEMPTION FROM CERTAIN FILING REQUIREMENTS AND VARIANCE.

On October 6, 1994, NSP filed an addendum to its certificate of need application: the Certificate of Site Compatibility Application previously filed with the Minnesota Environmental Quality Board (EQB) on September 27, 1994.

A copy of the Company's application is on file in the offices of the Department of Public Service, Suite 200, 121 Seventh Place East, St. Paul, Minnesota 55101-2147 and is open for public inspection during regular office hours.

On October 13, 1994, the Commission met to consider this matter.

FINDINGS AND CONCLUSIONS

II. Jurisdiction

The Commission has jurisdiction over applications for certificates of need for large generating facilities under *Minnesota Statutes* § 216B.243 (1992). The statute requires the Commission to hold at least one public hearing under the Administrative Procedure Act before acting on this or any other application for a certificate of need. *Minnesota Statutes* § 216B.243, subd. 4 (1992).

III. Referral for Contested Case Proceedings

The Commission has found the Company's application substantially complete as of the date of its filing, September 24, 1994. The Commission's decision on the merits of the application, therefore, is due six months from that date, as required by *Minnesota Statutes* § 216B.243, subd. 5 (1992). The Commission must now determine how it will proceed with this matter.

In its cover letter for the application, NSP requested that the Commission conduct the proceedings in this matter as an "informal proceeding" as defined in *Minnesota Rules*, part 7829.0100, subp. 8. NSP indicated that no statute requires a contested case hearing and that Chapter 7847 of *Minnesota Rules*, which appeared to require a contested case proceeding, has been repealed. The Company also argued that there are no material facts in dispute with respect to the application which require evidentiary hearings for resolution.

The Commission finds that there are practical considerations that make conducting the proceeding as a contested case desirable:

First, contested cases are designed for situations in which facts may be in dispute. Despite NSP's argument that there are no material facts in dispute with respect to this application, there is no way that can be known with certainty at the present time. If the proceeding were started as an informal proceeding but factual disputes arose later, the proceeding could take more time than if it were started as a contested case.

Another concern is that *Minnesota Statutes* § 216B.243, subd. 4 indicates that the Commission "shall hold at least one public hearing pursuant to chapter 14." The hearing probably should be held in the Lake Benton area, since that likely is the area where the public would be most affected by any positive and negative impacts of the project. As a practical matter, it would be administratively convenient for such a public hearing to be conducted by an Administrative Law Judge.

Finally, the Commission notes that it has been able to finish certificate of need cases conducted as contested case proceedings well within the six-month statutory guideline when there has been little or no opposition to the proposed facilities. Moreover, due to the care and time required in preparing the environmental report (*Minnesota Rules*, Part 4410.7100), there may be little or no opportunity to shorten the proceeding by conducting it as an informal proceeding.

Therefore, the Commission will begin this proceeding as a contested case and refer it to the Office of Administrative Hearings for contested case proceedings.

IV. Issues to be Addressed

A. Substantive Issues

Minnesota Statutes § 216B.243 (1992) and *Minnesota Rules*, parts 7849.0010-7849.0400 set forth criteria which must be met to establish need for proposed large energy facilities, including the proposed wind generation plant. Parties to this proceeding shall address whether the proposed facility meets these criteria.

B. Case Management Issues

Because this case is subject to a six-month statutory deadline, and because construction must begin soon if the proposed plant is to meet the statutory deadline (addition of 100 MW of wind generated power under contract by the end of 1996, thereby entitling NSP to use an additional 4 casks at Prairie Island), the Commission has referred this application for contested case proceedings as soon as it was found to be substantially complete.

To further expedite thorough examination of this application, the Commission will:

- require that a prehearing conference be held at a date, time, and location to be determined by the Administrative Law Judge in consultation with Commission Staff
- direct the Department to initiate an investigation to determine the reasonableness of granting a certificate of need to the applicant
- urge the Department to expedite its preparation of the draft environmental report under guidelines specified in *Minnesota Rules*, Part 4410.7100¹
- direct NSP to facilitate in every reasonable way the Department's investigation
- direct its Staff to work with the Administrative Law Judge in selecting suitable locations for the public hearing and the evidentiary hearings (if any) on the application
- direct that NSP provide notice of the public and evidentiary hearings in newspapers of general circulation at least ten days prior to the start of the hearings, that such notice be in the form of visible display ads, that the applicant obtain proofs of publication of such ads from the newspapers selected, and that the applicant consult with Commission staff on the timing and text of such ads prior to publication.

¹ In a separate Order, the Commission has directed the Department to prepare this report, distribute it, and respond to public comments on it. See ORDER ACCEPTING FILING AND DELEGATING PREPARATION OF ENVIRONMENTAL REPORT in this matter, dated October 20, 1994.

V. Public Participation

Minnesota Statutes § 216B.243, subd. 4 (1992) encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated statistical analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by telephone at (612) 297-4562 and by FAX at (612) 297-7073. His address is Suite 350, 121 7th Place East, St. Paul, Minnesota 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge. The Commission will require the Company to publish notice of the public and evidentiary hearings in newspapers throughout the state, to encourage public participation.

VI. Procedural Outline

A. Administrative Law Judge

The Administrative Law Judge assigned to this case is Allan W. Klein. His address and telephone number are as follows: Office of Administrative Hearings, Suite 1700, 100 Washington Square, Minneapolis, Minnesota 55401-2138; (612) 341-7609.

B. Hearing Procedure

Hearings in this matter will be conducted in accordance with the Administrative Procedure Act, *Minnesota Statutes* §§ 14.57-14.62 (1992); the rules of the Office of Administrative Hearings, *Minnesota Rules*, Parts 1400.5100 to 1400.8400; the Commission's Rules of Practice and Procedure, *Minnesota Rules*, Parts 7829.0100 to 7829.3200 and *Minnesota Rules*, Parts 7849.0010 to 7849.0400. Copies of these rules and statutes may be purchased from the Print Communications Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155, (612) 297-3000.

Under these rules formal parties may be represented by counsel, may appear on their own behalf, or may be represented by another person of their choice, unless otherwise prohibited as the unauthorized practice of law. They have the right to present evidence, conduct cross-examination, and make written and oral argument. Under *Minnesota Rules*, part 1400.7000, they may obtain subpoenas to compel the attendance of witnesses and the production of documents.

Any person intending to appear at the hearing as a formal party must file a notice of appearance (Attachment A) with the Administrative Law Judge within 20 days of the date of this Notice and Order for Hearing. Failure to appear at the hearing may result in facts and issues being resolved against the party who fails to appear.

Parties should bring to the hearing all documents, records, and witnesses necessary to support their positions. They should take note that any material introduced into evidence may become public data unless a party objects and requests relief under *Minnesota Statutes* § 14.60, subd. 2. (1992).

Any questions regarding discovery under *Minnesota Rules*, parts 1400.6700 to 1400.6800 or informal disposition under

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Minnesota Rules, part 1400.5900 should be directed to Rosellen Condon, Special Assistant Attorney General, Suite 350, 121 7th Place East, St. Paul, Minnesota 55101-2147, (612) 297-1852.

The times, dates, and places of public and evidentiary hearings will be set by order of the Administrative Law Judge after consultation with the Commission and intervening parties.

C. Parties and Intervention

Current parties to this proceeding are NSP and the Department of Public Service.

Other persons wishing to become formal parties to this proceeding shall promptly file petitions to intervene with the Administrative Law Judge. They shall serve copies of such petitions on all current parties and on the Commission, *Minnesota Rules*, part 1400.6200.

D. Prehearing Conference

A prehearing conference will be held on Tuesday, November 22, 1994 at 9:30 a.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.

All parties and persons intending to intervene should attend the conference, prepared to discuss time frames and scheduling. Other matters which may be discussed include the scope of the hearing, the locations and dates of hearings, discovery procedures, and similar issues.

E. Time Constraints

Under *Minnesota Statutes*, § 216B.243, subd. 5 (1992), the Commission is required to act on the Company's application within six months of receipt of a substantially complete filing. The Commission asks the Administrative Law Judge to conduct contested case proceedings in light of these time constraints. Parties should note the six-month statutory time frame at the outset and be prepared for the expedited hearing schedule that time frame requires.

F. Application of Lobbying Provisions

The lobbying provisions of the Ethics in Government Act, *Minnesota Statutes*, §§ 10A.01 *et seq.* (1992), apply to certificate of need proceedings. Persons appearing in this proceeding may be subject to registration, reporting, and other requirements set forth in that Act. All persons appearing in this case are urged to refer to the Act and to contact the Minnesota Ethical Practices Board, telephone number (612) 296-1720, with any questions.

G. Ex Parte Communications

Restrictions on *ex parte* communications with Commissioners and reporting requirements regarding such communications with Commission staff apply to this proceeding from the date of this Order. Those restrictions and reporting requirements are set forth at *Minnesota Rules*, parts 7845.7300 to 7845.7400, which all parties are urged to consult.

ORDER

1. A contested case proceeding shall be held on the Company's certificate of need application.
2. The Department shall initiate an investigation to determine the reasonableness of granting a certificate of need to the applicant. In addition, the Department is encouraged to expedite its preparation of the draft environmental report under guidelines specified in *Minnesota Rules*, Part 4410.7100.
3. NSP shall facilitate the Department's investigation in every reasonable way.
4. The contested case proceeding shall begin with a prehearing conference on Tuesday, November 22, 1994, at 9:30 a.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, Minnesota 55101-2147.
5. At least one public hearing shall be held in this matter at a time and place determined by the Administrative Law Judge after consultation with the Commission Staff.
6. All parties to this proceeding may serve information requests on any other party. Information requests shall be answered within ten days of receipt.
7. NSP shall provide notice of the public and evidentiary hearings in newspapers of general circulation at least ten days prior to the start of the hearings. Such notice shall be in the form of visible display ads. The Company shall consult with Commission Staff on the timing and text of such ads prior to publication. The Company shall file proofs of publication of such ads from the newspapers selected.
8. This Order shall become effective immediately.

(SEAL)

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

BEFORE THE MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS
Suite 1700
100 Washington Square
Minneapolis, Minnesota 55401-2138

FOR THE MINNESOTA PUBLIC UTILITIES COMMISSION
Suite 350
121 Seventh Place East
St. Paul, Minnesota 55101-2147

In the Matter of the Application of
Northern States Power Company for a
Certificate of Need for Approximately 100
Megawatts of Wind Generation

MPUC Docket No. E-002/CN-94-795

OAH Docket No.

NOTICE OF APPEARANCE

Name and Telephone Number of Administrative Law Judge:

Allan W. Klein
(612) 341-7609

TO THE ADMINISTRATIVE LAW JUDGE:

You are advised that the party named below will appear at the above hearing.

NAME OF PARTY:

ADDRESS:

TELEPHONE NUMBER:

PARTY'S ATTORNEY OR OTHER REPRESENTATIVE:

OFFICE ADDRESS:

TELEPHONE NUMBER:

SIGNATURE OF PARTY OR ATTORNEY: _____

DATE: _____

Official Notices

Board of Water and Soil Resources

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Appeals of Watershed District Rules, Permit Decisions, and Orders Not Involving Projects

NOTICE IS HEREBY GIVEN that the Board of Water and Soil Resources (Board) is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing proceedings under *Minnesota Statutes* 103D.537, "Appeals of rules, permit decisions, and orders not involving projects."

The Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Doug Thomas
Board of Water and Soil Resources
155 South Wabasha Street, Suite 104
St. Paul, MN 55107
Fax: 612-297-5615
Electronic Mail: [doug@bwsr-mn.bwsr.state.mn.us]

Oral statements will be received during regular business hours over the telephone at (612) 297-5617 and in person at the above address.

All statements of information and opinions shall be accepted until January 1, 1995. Any written material received by the Board shall become part of the rulemaking record submitted to the attorney general.

Dated: 14 October 1994

Ronald Harnack, Executive Director
Board of Water and Soil Resources

Board of Water and Soil Resources

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Determination of Water Law and Policy

NOTICE IS HEREBY GIVEN that the Board of Water and Soil Resources (Board) is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing proceedings under *Minnesota Statutes* 103A.301 - 103A.335, "Determination of Water Law and Policy."

The Board requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Doug Thomas
Board of Water and Soil Resources
155 South Wabasha Street, Suite 104
St. Paul, MN 55107
Fax: 612-297-5615
Electronic Mail: [doug@bwsr-mn.bwsr.state.mn.us]

Oral statements will be received during regular business hours over the telephone at (612) 297-5617 and in person at the above address.

All statements of information and opinions shall be accepted until January 1, 1995. Any written material received by the Board shall become part of the rulemaking record submitted to the attorney general.

Dated: 14 October 1994

Ronald Harnack, Executive Director
Board of Water and Soil Resources

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Administration

Information Policy Office

Request for Proposals (RFP) for Information Policy Council (IPC) Support to Ensure Cross Agency Projects are Coordinated and Documented

The Information Policy Office (IPO) and the Information Policy Council (IPC) are soliciting proposals from qualified applicants interested in providing support to the IPC. In collaboration, the IPO and the IPC wish to enhance cross-agency project coordination for activities involving information management. The IPO and IPC are primarily interested in agency projects that have statewide implications — projects that affect other agencies' activities, projects that influence future statewide information policymaking, and/or projects that directly affect Minnesota's citizens.

Both the IPO and the IPC believe that strong support needs to be provided to efforts focused on meeting business needs as opposed to technology-driven projects. The structure used by the IPC to work on principles and policies — a committee-based, top-down structure — does not function well when work is project-oriented.

Some of the ad hoc projects sponsored by the IPC require increased support. All projects need to be aligned with an overall state vision.

A survey of state initiatives is required to document all planned and current information management projects that cross agencies as well as IPC-sponsored projects and business-need driven projects. It would exclude ongoing policy-related discussions and IPC committee work. In addition, a tracking system must be established to allow IPO and IPC to continue monitoring information management projects in the future.

Deadline for proposal submission is 4:00 p.m. on Thursday, November 17, 1994.

For further information, or to obtain a copy of the Request for Proposal, contact:

Jeff Rathermel
Management Analysis Division
Department of Administration
203 Administration Building
50 Sherburne Avenue
St. Paul, Minnesota 55155
Phone: (612) 297-7702

Department of Administration

State Designer Selection Board

Request for Proposal for a Department of Natural Resources Project

To Minnesota Registered Design Professionals:

The State Designer Selection Board has been requested to select a designer for a Department of Natural Resources Project. Design firms who wish to be considered for this project should deliver proposals on or before 4:00 p.m., November 22, 1994, to:

George Iwan
Executive Secretary, State Designer Selection Board
Room G-10, Administration Building
St. Paul, Minnesota 55155-3000

Professional, Technical & Consulting Contracts

The proposal must conform to the following:

- 1) Six (6) copies of the proposal will be required.
- 2) All data must be on 8 1/2" x 11" sheets, soft bound.
- 3) The cover sheet of the proposal must be clearly labeled with the project number, as listed in number 7 below, together with the designer's firm name, address, telephone number and the name of the contact person.

4) Mandatory Proposal contents in sequence:

a) Identity of firm and an indication of its legal status, i.e. corporation, partnership, etc. If the response is from a joint venture, this information must be provided for firms comprising the joint venture.

b) Names of the persons who would be directly responsible for the major elements of the work, including consultants, together with brief descriptions of their qualifications. Identify roles that such persons played in projects which are relevant to the project at hand. **NOTE NEW REQUIREMENT:** The proposal *must* contain a statement indicating whether or not the consultants listed have been contacted and have agreed to be a part of the design team.

c) A commitment to enter the work promptly, if selected, by engaging the consultants, and assigning the persons named 4b above along with adequate staff to meet the requirements of work.

d) A list of State and University of Minnesota current and past projects and studies awarded to the prime firm(s) submitting this proposal during the four (4) years immediately preceding the date of this request for proposal. The prime firm(s) shall list and total all fees associated with these projects and studies whether or not the fees have been received or are anticipated. In addition, the prime firm(s) shall indicate the amount of fees listed which were paid directly to engineers or other specialty consultants employed on the projects and studies listed pursuant to the above. **NOTE:** Please call for a copy of the acceptable format for providing this information.

e) A section containing graphic material (photos, plans, drawings, etc.) as evidence of the firm's qualification for the work. The graphic material must be identified. It must be work in which the personnel listed in "c" have had significant participation and their roles must be clearly described. It must be noted if the personnel were, at the time of the work, employed by other than their present firms.

The proposal shall consist of no more than twenty (20) faces. Proposals not conforming to the parameters set forth in this request will be disqualified and discarded without further examination.

5) Statutory Proposal Requirements:

In accordance with the provisions of *Minnesota Statutes*, 1981 Supplement, Section 363.073; for all contracts estimated to be in excess of \$50,000.00, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal may be accepted.

The proposal will not be accepted unless it includes one of the following:

- a) A copy of your firm's current certificate of compliance issued by the Commissioner of Human Rights; or
 - b) A statement certifying that the firm has a current certificate of compliance issued by the Commissioner of Human Rights;
- or

c) A statement certifying that the firm has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months; or

d) A statement certifying that the firm has an application pending for a certificate of compliance.

6) Design firms wishing to have their proposals returned after the Board's review must follow one of the following procedures:

a) Enclose a self-addressed stamped postal card with the proposals. Design firms will be notified when material is ready to be picked up. Design firms will have two (2) weeks to pick up their proposals, after which time the proposals will be discarded; or

b) Enclose a self-addressed stamped mailing envelope with the proposals. When the Board has completed its review, proposals will be returned using this envelope.

In accordance with existing statute, the Board will retain one copy of each proposal submitted.

Any questions concerning the Board's procedures, their schedule for the project herein described or the fee format form may be referred to George Iwan at (612) 296-4656.

Professional, Technical & Consulting Contracts

7) PROJECT - 29-94

Remodeling, Additions & Site Improvements

International Wolf Center - Ely, Minnesota

PROJECT: International Wolf Center - Ely, Minnesota - Remodeling, addition(s), site improvements, etc. The primary focus of the project will be improvements and expansion of the Wolf Viewing Area. Other design considerations will include: Childrens' Area, Wolf Food Facilities, Curator Office/Lab., Staging Areas, Intern Areas, general offices and storage. Site planning will include: Circulation, lighting, graphics, additional parking, density feasibility for long range plans. The designer will assign each function a budget factor to allow the Owner to assign priorities.

Existing Building Area: 15,700 square feet

Expansion-Remodeling Budget: \$612,500 including contingencies.

TIME SCHEDULE: Construction start - Fall 1995

QUALIFICATIONS: Respondents must demonstrate budget expertise and the ability to create a functional design, within the parameters of existing space, that addresses the program requirements with emphasis on Wolf Viewing. Study models for proposed designs will be required. The Project Design Team must minimally include the necessary and legally required A/E Professionals and adequate staff to meet the proposed schedule.

The Owners may, at their option, retain an independent zoo/animal viewing Consultant.

PROJECT INFORMATION AND CONTACTS:

Owner: Minnesota Department of Natural Resources, Division of Field Services

Occupant: International Wolf Center

Project Contact: Charles B. French, Supervising Architect - DNR Bureau of Engineering
Phone: 612/296-0605 FAX: 612/297-5818

A draft program can be obtained by contacting the above. Interested parties are encouraged to visit/tour the International Wolf Center as a member of the general public - no special accommodation or information will be offered.

Maureen Steele Bellows, Chair
State Designers Selection Board

Information for Health Care Services

Health Care Facilities Directory

Lists of all Minnesota licensed and certified health care facilities. Statistical data tables and listings organized alphabetically by county, town and facility. Features hospitals, nursing homes, boarding homes, outpatient care, hospice and more. 213 pp. plus index. 1-89 SR \$18.95

Minnesota Health Statistics -- 1990

Minnesota Center for Health Statistics, published August 1992. Tables, diagrams outlining vital statistics for live births, induced abortions, fertility, infant and general mortality, marriage, divorce and population. 142 pp. 10-16SR \$15.00

Available through Minnesota's Bookstore. Use the handy order form on the back of the *State Register* to order.
Visit Minnesota's Bookstore to view a variety of health care publications.

Publication editors: As a public service, please reprint this ad in your publication as is, reduced, enlarged, or redesigned to suit your format. Thank you.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Pioneer-Sarah Creek

Watershed Management Commission

Request for Interest Proposals for Professional Legal and Secretarial Consultant Services

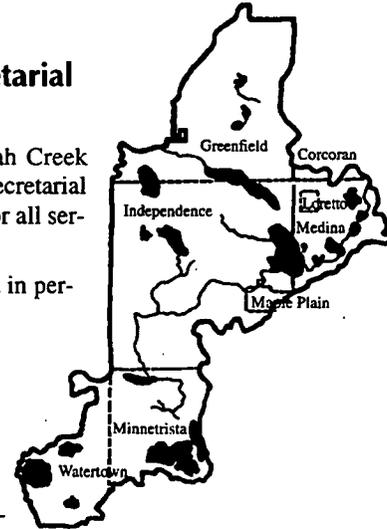
Pursuant to *Minnesota Statutes Annotated* 103B.227, Subd. 5, the Pioneer-Sarah Creek Watershed Management Commission hereby solicits interest proposals for legal and secretarial consultant services for January 1, 1995, to December 31, 1995. The annual budget for all services for the organization for the year 1995 is \$11,200.

Written proposals setting forth the fees and experience of the individuals interested in performing these services should be sent to:

Al Elsen, Chairman
Pioneer-Sarah Creek Watershed Management Commission
10801 Wayzata Blvd., Suite 240
Minnetonka, MN 55305
Phone: 612/544-8572, direct calls to Carolyn Dindorf

Please set forth in your written proposal the experience of the individual who proposes to perform services for the Commission and the resumes of support staff who would assist the individual in providing the contractual services.

The Commission will review said proposals and reserves to itself the right to take such action as it deems in the best interests of the Commission. All interest proposals shall be submitted on or before December 1, 1994.



Attention Builders, Architects, Designers, Property Owners...

Accessible and Usable Buildings and Facilities CABO/ANSI, A117.1

Just released by the Council of American Building Officials, this 2 publication set includes UBC Chapter 31 and appendix. Specifications in this standard (ANSI - American National Standards Institute) are to make buildings and facilities accessible to individuals with disabilities -- both new buildings and existing structures. These standards are applicable to doorways, routes, seating and other elements of building design. Includes diagrams and floor plans. The two books (total of 96 pp) are bound and three-hole drilled for ease of use. 19-2 SR \$35.00



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Volunteer Program Development Tools

The Power and Potential of Youth in Service to Communities

Comprehensive guide to developing and sustaining a successful and meaningful youth volunteer program. Learn what it takes--- from developing a mission, vision and management philosophy to identifying skill and ability experiences suitable for youth age 5-24; from defining a program structure and outcomes to understanding common concerns and issues. Includes information on model programs throughout the state. 96pp. (MOVS, 1993)
Stock No. 10-48 \$16.00



Planning it Safe: How to Control Liability & Risk in Volunteer Programs

Offers concrete suggestions, clear definitions, and a preventive approach to managing legal risk and liability concerns of volunteer programs. Discusses liability for personal injury, business liability, possible protection from liability, basic concepts of risk management, and specific risks your organization may face. 112pp. (MOVS, 1992)
Stock No. 10-45 \$17.95

Promise of the Future/Responsibility Today

Report sites findings of the Governor's Blue Ribbon Committee on Mentoring and Your Community Service (1989-90). Includes recommendations for mentoring programs/youth community service as a means to match caring responsible individuals with youth to encourage and guide their personal growth and development. 56pp. (MOVS, 1991)
Stock No. 10-16 \$15.00

Bridging the Gap: A Training Manual for Respite Care Volunteers

Program assistance for the project director, coordinator of volunteers, or anyone associated with the training of volunteers in a respite care program for caregivers of chronically ill, frail, and elderly individuals. The manual offers ideas, plans, and resources to recruit, train, place and retain volunteers in a respite care program. Provides flexibility/options that enable the trainer to pick and choose training activities that are appropriate for the participants, the time available, and the trainer's skills. Topics covered include:

- * Recruiting volunteers
- * Orientation
- * Resources
- * Handouts and forms
- * Practical tips
- * Guidelines for trainers
- * Ice breaker activities
- * Understanding the caregiver
- * Communications skills
- * Dealing with grief and loss

Looseleaf, 200pp. (MN Dept. of Human Services, 1994) Stock No. 10-50 \$35.00



